

STATE OF INDIANA)
)
 COUNTY OF DELAWARE)
)
 JUDY RICE,)
)
 Plaintiff,)
)
 v.)
)
)
)
 NAPACO PROPERTIES, LLC and)
 WHITE RIVER VALLEY PIZZA)
 HUT, LTD., L.L.C.,)
 Defendants.)

IN THE DELAWARE CIRCUIT COURT 2
 CAUSE NO. _____

COMPLAINT FOR DAMAGES

Plaintiff Judy Rice, by counsel, in support of her Complaint for Damages against Defendants Napaco Properties LLC and White River Valley Pizza Hut Ltd., L.L.C., (collectively, “Defendants”) alleges and states as follows:

1. Plaintiff Judy Rice (“Plaintiff”) is and was at all times relevant hereto a citizen and resident of the State of Kentucky.
2. Defendant Napaco Properties, LLC (“Defendant Napaco”) is a limited liability company organized in Delaware, has its principal office in Ohio, and is authorized to and does conduct business in Indiana.
3. Defendant White River Valley Pizza Hut, Ltd., L.L.C. (“Defendant Pizza Hut”) is a limited liability company organized in Ohio, has its principal office in Ohio, and is authorized to and does conduct business in Indiana.
4. On or about February 4, 2020, Plaintiff was a business invitee at the Pizza Hut restaurant located at 3901 W. Bethel Avenue in Muncie, Delaware County, Indiana (“the Property”).

5. At all times relevant hereto, Defendant Napaco owned the Property.
6. Upon information and belief, Defendant Napaco leased the Property to Defendant Pizza Hut.
7. At all times relevant hereto, both Defendants were in possession and control of the Property including its walking surfaces and common areas.
8. On or about February 4, 2020, Defendants owed Plaintiff a duty to maintain the Property and its walking surfaces in a reasonably safe condition.
9. On or about that date, Defendants failed to maintain the Property and its walking surfaces in a reasonably safe condition.
10. On or about that date, Defendants maintained and permitted a condition relating to the step at the rear of the restaurant, in which the step was in a dangerous condition that was not well marked or well maintained.
11. On or about that date, Defendants failed to warn Plaintiff of the dangerous condition on the walking surface at the Property.
12. On or about that date, Defendants failed to provide sufficient lighting for the walking surfaces at the Property.
13. Defendant Napaco possessed and leased the Property to Defendant Pizza Hut for a business and/or public purpose and knew or should have known of the Property's dangerous condition.
14. As a direct and proximate result of Defendants' failure to maintain the Property and its walking surfaces in a reasonably safe condition, Plaintiff fell and suffered serious bodily injuries and other damages.

15. As a direct and proximate result of Defendants' negligence causing Plaintiff's fall, Plaintiff suffered serious temporary and permanent bodily injuries and other damages.

16. As a direct and proximate result of Defendants' negligence, Plaintiff suffered and incurred damages including, but not limited to the following:

- a. temporary and permanent bodily injuries;
- b. past and future medical expenses;
- c. past and future physical pain and suffering;
- d. emotional suffering;
- e. inability to function as a whole person;
- f. scarring and disfigurement; and
- g. loss of enjoyment of life.

17. Defendants are liable to Plaintiff for all damages Plaintiff has incurred and will continue to incur as a direct and proximate result of Defendants' negligence including, but not limited to the following:

- a. temporary and permanent bodily injuries;
- b. past and future medical expenses;
- c. past and future physical pain and suffering;
- d. emotional suffering;
- e. inability to function as a whole person;
- f. scarring and disfigurement; and
- g. loss of enjoyment of life.

WHEREFORE, Plaintiff Judy Rice, by counsel, respectfully requests and prays for damages and relief in a judgment against Defendants Napaco Properties LLC and White River Valley Pizza Hut Ltd., L.L.C., in this matter in an amount sufficient to compensate Plaintiff for all injuries and damages she has incurred and will continue to incur as a result of Defendants' negligence, and for all other just and proper relief.

Respectfully submitted,

PARR RICHEY FRANDSEN PATTERSON
KRUSE LLP

Attorneys for Plaintiff

By /s/ Anthony W. Patterson
Anthony W. Patterson, 17497-53

REQUEST FOR JURY TRIAL

Plaintiff, by counsel and pursuant to Ind. Trial Rule 38, hereby requests a trial by jury in this cause.

Respectfully submitted,

PARR RICHEY FRANSEN PATTERSON
KRUSE LLP

Attorneys for Plaintiff

By /s/ Anthony W. Patterson
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